

COMMONWEALTH OF MASSACHUSETTS

**WARRANT FOR
2005 ANNUAL TOWN MEETING AND ELECTION**

Nantucket, ss.

To the Constables of the Town of Nantucket:

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs to go to the Nantucket High School at 10 Surfside Road in said Nantucket, on

***TUESDAY, THE FIFTH DAY OF APRIL, 2005
BETWEEN THE HOURS OF 7:00 AM and 8:00 PM***

for the following purpose:

To cast their votes in the Annual Town Election for the election of candidates for the following offices:

Moderator.....One for a term of one year
Selectman Two for terms of three years
Historic District Commission..... Two for terms of three years
Historic District Commission Associate One for a term of three years
School Committee..... Two for terms of three years
Nantucket Islands Land Bank Commission One for a term of five years
Planning Board..... One for a term of five years
Planning Board Alternate One for a term of three years
Nantucket Water Commission.....One for a term of three years
Siasconset Water CommissionOne for a term of three years
Nantucket Housing Authority..... One for a term of five years
Harbor & Shellfish Advisory Board Two for terms of three years

And, to cast their votes on the following ballot questions, pursuant to Massachusetts General Law chapter 53, section 18A:

1. Non-Binding Public Opinion Advisory Question

Shall the Town of Nantucket work toward addressing changes in future buildout of secondary dwellings?

☐ YES ☐ NO

2. Non-Binding Public Opinion Advisory Question

If the Town should take action toward addressing further buildout of secondary dwellings shall the right be retained by the property owners? ☐ YES ☐ NO

If the Town should take action toward addressing further buildout of secondary dwellings shall the right be eliminated? ☐ YES ☐ NO

If the Town should take action toward addressing further buildout of secondary dwellings shall the right be reduced or restricted? ☐ YES ☐ NO

In addition, you are directed to notify and warn the inhabitants of the Town of Nantucket qualified to vote in Town affairs, to meet and assemble themselves at the Nantucket High School Auditorium at 10 Surfside Road in said Nantucket,

***MONDAY, APRIL 11, 2005 AT 7:00 PM,
THEN AND THERE TO ACT ON THE ARTICLES CONTAINED WITH THE ENCLOSED WARRANT:***

ARTICLE 1

(Receipt of Reports)

To receive the reports of various departments and committees as printed in the Fiscal Year 2004 Annual Town Report or as may come before this meeting.

(Board of Selectmen)

ARTICLE 2

(Appropriation: Unpaid Bills)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds for the payment, pursuant to Chapter 44, Section 64 of the Massachusetts General Laws, of unpaid bills from previous Fiscal Years, including any bills now on overdraft.

(Board of Selectmen)

ARTICLE 3

(Appropriation: Prior Year Articles)

To see what sums the Town will vote to appropriate and transfer from available funds in Articles voted in prior years.

(Board of Selectmen)

ARTICLE 4

(Revolving Accounts: Annual Authorization)

To see what revolving accounts the Town may vote to authorize or reauthorize pursuant to Chapter 44, section 53E½ of the General Laws of the Commonwealth for Fiscal Year 2006.

(Board of Selectmen)

ARTICLE 5

(Appropriation: Reserve Fund)

To see what sum the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of establishing a Reserve Fund in accordance with Chapter 40, section 6 of the General Laws, to provide for extraordinary and unforeseen expenditures which may arise during Fiscal Year 2006, beginning July 1, 2005 and ending June 30, 2006; said sum not to exceed five percent (5%) of the Fiscal Year 2006 tax levy.

(Board of Selectmen)

ARTICLE 6

(Fiscal Year 2005 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of the Fiscal Year 2005 operating budget from other line items of said budget and from other available funds.

(Board of Selectmen)

ARTICLE 7

(Personnel Compensation Plans for Fiscal Year 2006)

To see if the Town will vote to adopt the following Compensation Plans for Fiscal Year 2006:

Schedule A -- Full-time/Non-union Administrative Employees and Laborer's Union Administrative and Supervisory Group
COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule B -- Full-time/Non-union Hourly Employees and Laborer's Union Clerical Employees
COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule C -- Laborer's Union Department Head Group
COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule D -- Miscellaneous Compensation Schedule

Abatement Advisory Committee (yearly per member)	\$600.00
Americans with Disabilities Act Facilitator (hourly)	15.00
Building Inspector, Assistant (hourly)	30.00
Dietician/Our Island Home (hourly)	33.00
Election Warden (hourly)	10.00
Election Worker (hourly)	8.50
EMT, Call (per call hour)	15.00
Fire Captain, Call (yearly)	150.00
Fire Fighter, Call (per call hour)	15.00
Fire Lieutenant, Call (yearly)	125.00
Fire Chief, Second Deputy (yearly)	5,000.00
Fire Chief, Third Deputy (yearly)	5,000.00
Plumbing Inspector, Assistant (hourly)	30.00
Registrar of Voters (yearly)	600.00
Registrar, Temporary Assistant (hourly)	10.00
Seasonal Shellfish Warden(s) (yearly)	300.00
Sheriff, Deputy (yearly)	3,500.00
Teen Center Staff (hourly)	11.00
Teen Center Staff/Second Year (hourly)	12.00
Temporary Employee	various rates of pay
Wiring Inspector, Assistant (hourly)	30.00
Veterans' Agent (hourly)	15.00

Schedule E -- Seasonal Employee Compensation Schedule (Spring, Summer, Fall, Winter/Effective April 15, 2005- April 14, 2006)

Compensation Level	Start	Second Season	Third Season
A-Hourly*	\$11.50	\$12.50	\$13.50
B-Hourly*	\$12.00	\$13.00	\$14.00
C-Hourly*	\$13.00	\$14.00	\$15.00
D-Hourly*	\$13.50	\$14.50	\$15.50
E-Hourly*	\$15.50	\$16.00	\$16.50

*An employee assigned supervisory responsibilities shall be placed in the next higher category.

A: Dock Attendant, Information Aide, Matron
 B: Swimming Instructor, Arts & Crafts Instructor, Seasonal Health Assistant, Shellfish Warden, Endangered Species Monitor, Parking Control Officer, Laborer (Public Works)
 C: Endangered Species Monitor Supervisor, Summer Recreation Coordinator, Dock Worker
 D: Seasonal Firefighter/EMT, Summer Special Police, Lifeguard, Tennis Attendant (Park & Recreation), Laborer (Park & Recreation)
 E. Lifeguard Supervisor, Madaket Harbormaster, Seasonal Maintenance Supervisor (Park & Recreation); Tennis Instructor (Park & Recreation), Swimming Instructor (Park & Recreation)

Schedule F -- Scallop Season Compensation Schedule

\$35.00/day to be paid to the full-time permanent shellfish warden(s) when scalloping activity is taking place.

Schedule G -- Our Island Home Registered Nurse Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule H -- Department of Public Works Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE; CONTRACT CURRENTLY UNDER NEGOTIATION

Schedule I -- Fire Department Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE; CONTRACT CURRENTLY UNDER NEGOTIATION

Schedule J -- Our Island Home Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule K -- Police Department Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

Schedule L -- Dispatchers' Union Compensation Schedule

COMPENSATION SCHEDULE ON FILE IN THE SELECTMEN'S OFFICE

*Schedule M -- Compensation Schedule for Elected Officials**

Moderator	\$150 per year
Selectman, Chair	\$5,000/per year
Selectmen	\$3,500/per year
Register of Deeds	SD
Sheriff	as per MGL
Town Clerk	SD

Level	Start	After 12 Mos.	After 24 Mos.	After 36 Mos.	After 48 Mos.	After 60 Mos.	After 72 Mos.	After 84 Mos.
A	\$ 36,127	\$ 37,934	\$ 39,830	\$ 41,821	\$ 43,914	\$ 46,110	\$ 48,414	\$ 50,835
B	\$ 41,662	\$ 43,746	\$ 45,932	\$ 48,229	\$ 50,641	\$ 53,172	\$ 55,830	\$ 58,623
C	\$ 48,149	\$ 50,556	\$ 53,086	\$ 55,741	\$ 58,526	\$ 61,454	\$ 64,525	\$ 67,750
D	\$ 54,342	\$ 57,060	\$ 59,911	\$ 62,907	\$ 66,054	\$ 69,356	\$ 72,825	\$ 76,465
E	\$ 59,809	\$ 62,798	\$ 65,938	\$ 69,236	\$ 72,696	\$ 76,331	\$ 80,149	\$ 84,158
F	\$ 65,212	\$ 68,473	\$ 71,897	\$ 75,491	\$ 79,264	\$ 83,229	\$ 87,392	\$ 91,759

Longevity pay:

After completion of five (5) years: 2% of base annual pay

After completion of ten (10) years: 3% of base annual pay

After completion of fifteen (15) years: 4% of base annual pay

After completion of twenty (20) years: 5% of base annual pay

**Other than establishing the salary pursuant to MGL c. 41, s. 108, these positions are excluded from the Personnel Bylaw of the Town.*

(Board of Selectmen)

ARTICLE 8

(Appropriation: Fiscal Year 2006 Operating Budget)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of supporting the offices, departments, boards and commissions of the Town of Nantucket for Fiscal Year 2006.

(Board of Selectmen)

ARTICLE 9

(Appropriation: Health and Human Services)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the Council for Human Services to be used by the Council to contract with various health and human service, private not-for-profit corporations to provide for the health, safety and welfare of the inhabitants of the Town of Nantucket; further, that all such sums be expended on the condition that contracts be executed by and between the Board of Selectmen and the respective private, not-for-profit agency for Fiscal Year 2006, which contracts shall stipulate mutually agreed upon terms and conditions.

(Board of Selectmen)

ARTICLE 10

(Appropriation: General Fund Capital Expenditures)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute or transfer from available funds, for the purposes of capital expenditures for Fiscal Year 2006 for the offices, departments, boards, and commissions of the Town of Nantucket.

(Board of Selectmen)

ARTICLE 11

(Appropriation: Ambulance Reserve Fund)

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds, the sum of Two Hundred Forty Thousand Dollars (\$240,000) for the purchase of ambulance-related equipment, including but not limited to extrication collars, backboards and other emergency equipment, oxygen tanks and refills, blankets and other linens, bandages and other medical supplies, fuel, repairs and maintenance for three ambulances, the cost of EMT training classes; and to fund up to four (4) Firefighter/EMT positions. All expenditures to be made by the Fire Department, subject to the approval of the Board of Selectmen and/or Town Administrator.

(Board of Selectmen)

ARTICLE 12

(Appropriation: Enterprise Funds Operations)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the operation of the following Enterprise Funds of the Town of Nantucket for Fiscal Year 2006: Nantucket Memorial Airport, Wannacomet Water Company, Siasconset Water Company, Sewer Enterprise, and Solid Waste Enterprise, out of anticipated revenues of the designated enterprise funds, for the purposes set forth above.

(Board of Selectmen for the Various Departments Indicated)

ARTICLE 13

(Appropriation: Enterprise Funds Capital Expenditures)

To see what sums the Town will vote to appropriate from the sources indicated below, for the purposes of capital expenditures in Fiscal Year 2006 for the following Enterprise Funds established under the jurisdiction of the Town of Nantucket: Nantucket Memorial Airport, Wannacomet Water Company, Siasconset Water Company, Sewer Enterprise, and Solid Waste Enterprise.

(Board of Selectmen for the Various Departments Indicated)

ARTICLE 14

(Appropriation: Airport Terminal Project)

To see if the Town will vote to raise and appropriate, borrow pursuant to any applicable statute, or transfer from available funds, including anticipated Airport revenues, the sum of Twenty-five Million Dollars (\$25,000,000) to be used by the Airport Commission for demolition of the existing Airport terminal and the construction of a new Airport terminal; for the construction of temporary access ways at the Airport during construction, new aircraft ramps and taxiways; and for the rebuilding of the road and parking system and all Airport access ways; and further to see if the Town will vote to authorize the Airport Commission to take any other action necessary to assist the construction process including executing contracts to carry out the foregoing and including applying for and expending federal and/or Commonwealth grants, or to take any other action as may be appropriate thereto.

(Board of Selectmen for Airport Commission)

ARTICLE 15

(Enterprise Accounts: Fiscal Year 2005 Budget Transfers)

To see what sums the Town will vote to transfer into various line items of Fiscal Year 2005 Enterprise Fund operating budgets from other line items of said budget and from Enterprise Surplus Reserve funds.

(Board of Selectmen)

ARTICLE 16

(Enterprise Funds: Rescind Unused Borrowing Authority)

To see what unused borrowing authority the Town will vote to rescind; and, to take any other action as may be appropriate thereto.

(Board of Selectmen)

ARTICLE 17

(Appropriation: County Assessment)

To see if the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, to pay the County of Nantucket such assessment as is required for Fiscal Year 2006, and to authorize the expenditure of these funds for County purposes, all in accordance with the General Laws and in accordance with the County Charter (Chapter 290, Acts of 1996), the sum of One Hundred Thousand Dollars (\$100,000).

(Board of Selectmen/County Commissioners)

ARTICLE 18

(Appropriation: Finalizing Fiscal Year 2006 County Budget)

To see if the Town will vote to overturn any denial of approval by the Nantucket County Review Committee, of any item of the County budget for FY 2006 by appropriating a sum of money for such County budget and authorizing the expenditure of estimated County revenues, County reserve funds, County deed excise fees or other available County funds including the Town assessment for County purposes; further, to see if the Town will vote to overturn any denial by the Nantucket County Review Committee of the establishment of a County Reserve Fund, from which transfers may be made to meet extraordinary or unforeseen expenditures with the approval of the County Commissioners acting as the County Advisory Board Executive Committee within the meaning of c. 35, s. 32 of the General Laws of the Commonwealth.

(Board of Selectmen/County Commissioners)

ARTICLE 19

(Sanford Fund)

To see what disposition the Town will make of interest and income from the Sanford Fund; which fund requires that such sums be expended on public roads of the Town of Nantucket as the citizens of the Town may determine by their vote at the Annual Town Meeting.

(Board of Selectmen)

ARTICLE 20

(Chapter 90 Roadwork)

To see what sum the Town will vote to raise and appropriate, borrow pursuant to any applicable statute or transfer from available funds to be spent under the direction of the Board of Public Works in FY 2005 toward public roads. Further, to authorize the Board of Selectmen to apply for, accept and expend a grant which is to be the State's contribution and/or reimbursement under Chapter 90, Section 34(2a) of the General Laws for repairs, maintenance and improvements to public roads under the direction of the Board of Public Works; all expenditures made under this Article shall be of the type that will be eligible for reimbursement.

(Board of Selectmen)

ARTICLE 21

(Appropriation: Ferry Embarkation Fee)

To see what sum the Town will vote to appropriate from the proceeds of the ferry embarkation fee established by section 129 of the Acts of 2003 as amended, for the purposes of mitigating the impacts of ferry service on the Town and County of Nantucket, including but not limited to provision of harbor services, public safety protection, emergency services, infrastructure improvements within and around Nantucket Harbor, and any other purpose allowed by applicable law, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 22

(Appropriation: Collective Bargaining Agreement/Laborer's Union)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2006 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Laborer's Union employees (represented by the Massachusetts Laborers' District Council of the Laborers' International Union of North America for Locals 1060, 4348, 4349) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 23

(Appropriation: Collective Bargaining Agreement/Police Union)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2006 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Police Department employees (represented by Union of Fraternal Order of Police, Nantucket Lodge #11) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 24

(Appropriation: Collective Bargaining Agreement/Fire Union/FY 2005)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2005 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Fire Department employees (represented by the International Association of Firefighters a/f/w AFL-CIO, Local No. 2509) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 25

(Appropriation: Collective Bargaining Agreement/Fire Union/FY 2006)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2006 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Fire Department employees (represented by the International Association of Firefighters a/f/w AFL-CIO, Local No. 2509) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 26

(Appropriation: Collective Bargaining Agreement/Public Works Union)

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to fund the cost items for Fiscal Year 2006 in a collective bargaining contract between the Town of Nantucket (represented by the Board of Selectmen) and the Public Works Department employees (represented by American Federation of State, County and Municipal Employees, Local No. 2977A) in accordance with Chapter 150E of the General Laws of the Commonwealth, and to amend the Town's classification and compensation plan accordingly to reflect such contract, or take any other action in relation thereto.

(Board of Selectmen)

ARTICLE 27

(Appropriation: Community Preservation Committee)

To see if the Town will vote to act on the report of the Community Preservation Committee on the Fiscal Year 2006 Community Preservation Budget and to appropriate or reserve for later appropriation monies from Community Preservation Fund annual revenues or available funds for the administrative and operating expenses of the Community Preservation Committee, the undertaking of Community Preservation Projects and all other necessary and proper expenses for the year.

Purpose	Amount
<i>Open Space Conservation</i>	
Nantucket Conservation Foundation	
Acquisition of University of Massachusetts Field Station Property	\$250,000
Nantucket Land Council, Inc.	
Purchase Conservation Restriction on Linda Loring Nature Foundation, Inc. (270 Acres)	\$125,000
Nantucket Parks and Recreation Commission	
Children's Beach Playground	\$20,000
Jetties Beach Playground	\$65,000
Skateboard Park	\$150,000
Prospect Hill Cemetery, Inc.	
Prospect Hill Cemetery Project	\$150,000
Subtotal	\$760,000
<i>Community Housing</i>	
Habitat for Humanity Nantucket, Inc.	
Habitat for Humanity Nantucket	\$50,000
Landmark House	
Exterior Preservation Project	\$54,000
Nantucket Behavioral Health Services	
Tryworks House	\$100,000
Nantucket Human Services Center, Inc.	
Nantucket Human Services Center, Inc.	\$185,000
Nantucket Housing Office	
House Recycling Program	\$200,000
Nantucket Housing Office, Year Four	\$238,750
Sherburne Commons, Inc.	
Sherburne Commons, Inc.	\$150,000
Subtotal	\$977,750
<i>Historic Resources</i>	
American Youth Hostels, Inc. - Eastern New England Council	
Star of the Sea Hostel Preservation and Rehabilitation Phase II & IV	\$61,000
Maria Mitchell Association	
Restoration of the Mitchell House	\$57,375
Museum of Afro-American History	
Florence Higginbotham House Restoration Project Phase II	\$240,000
Nantucket Board of Selectmen	
Restoration of the Madaket Life Saving Station Surf-Boat House	\$15,700
Nantucket Life Saving Museum	

Purpose	Amount
Preservation of Historic Life-Saving Collections	\$61,248
Nantucket Town Clerk	
Town Clerk's Record Restoration Project, Phase III	\$100,000
St. Paul's Church	
Historic Gardner Hall Renovation	\$130,000
South Church Preservation Fund	
Repair of Beams in South Tower & Restoration of Town Clock Hands	\$43,677
Two Centre Street Restoration Project, Inc.	
Preservation of the Historic Methodist Church Building	\$170,000
Subtotal	\$879,000
Administrative	
Community Preservation Committee	
Administrative and Operating Expenses	\$93,211
Subtotal	\$93,211
TOTAL	\$2,709,961

And amounts to be appropriated from the following sources:

SOURCES	AMOUNT
Raised and appropriated from FY2006 Community Preservation Surcharge	\$1,240,000
From State matching funds for FY 2005, to be received in FY 2006	\$1,096,276
From open space reserve fund balance	\$245,265
From fund balance	\$128,420
Total Revenues	\$2,709,961

for Fiscal Year 2006 Community Preservation Purposes with each item considered a separate appropriation to be spent by the Community Preservation Committee.

Provided, however, that the above expenditures are conditional upon the recording of appropriate historic preservation restrictions for historic resources; open space restrictions for open space resources, and for affordable housing restrictions for community housing; running in favor of an entity authorized by the Commonwealth to hold such restrictions for such expenditures, meeting the requirements of Chapter 184 of the General Laws pursuant to Section 12 of the Community Preservation Act.

(Barry G. Rector, et al)

ARTICLE 28

(Appropriation: Hummock Pond Road Bicycle Path)

To see if the Town will vote to allocate up to \$300,000.00 for the design and required studies for a bike path starting at Vesper Lane, following Hummock Pond Road, continuing to Cisco.

(Patrick J. Sullivan, et al)

ARTICLE 29

(Appropriation: Town Manager Study)

To see if the Town will vote to take whatever action is necessary to establish a TOWN MANAGER form of government for the Town and County of Nantucket, and further, to authorize the sum of \$25,000 to be allocated from free cash to be used for necessary expenses to undertake whatever study is required to implement this change.

(Curtis L. Barnes, et al)

ARTICLE 30

(Zoning Bylaw Amendment: Cap on Retail MCDs)

To see if the Town will vote to amend Section 139-11K of the Nantucket Zoning Bylaw (Major Commercial Development MCD) or to take any other action relative thereto (*NOTE: new language is shown as highlighted text; language to be deleted is shown by strikeout; these methods used to denote changes are not meant to become part of the final text*):

Amend Chapter 139-11K as follows:

K. Temporary Cap on retail MCD's

(1) A Special Permit shall not be granted for:

- (a) A new major commercial development which is devoted primarily to retail use and which has 20,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas.
- (b) Expansion of an existing commercial development whenever the expanded portion of the development, added together starting from the effective date of this § 139-11K, is devoted primarily to retail use and has 10,000 square feet or more of gross floor area of commercial use, including roofed-over storage areas, ~~except within the Mid Island Planning Overlay District (MIPOD).~~
- (c) Expansion of an existing commercial development located in the MIPOD whenever the expanded portion of development, added together starting from the effective date of this §139-11K is devoted primarily to retail use and has 10,000 square feet or more of additional floor area used for retail sales. The area devoted to retail sales shall be calculated by including only those portions of the interior floor area used for the display and sales of goods and shall not include the interior area of ancillary storage, office or preparation use. Within the MIPOD, for the purposes of this clause (c) only, the area of any free-standing buildings containing up to 3,000 square feet of gross floor area used for retail sales on a single lot or on contiguous tracts of land, held in common ownership or control shall not be included in the calculation of total square feet of retail use in a major commercial development notwithstanding the definition of major commercial development stated in §139-11 (B).

(2) The provisions of this § 139-11K shall expire on December 31, 2006, unless extended by vote of Town Meeting.

(Board of Selectmen for Major Commercial Development Work Group)

ARTICLE 31

(Zoning Bylaw Amendment: Major Commercial Development)

To see if the Town will vote to:

Amend Section 139-11K of the Nantucket Zoning Bylaw (Major Commercial Development MCD) as follows:
Amend Section 139-11K(2) by deleting "2006" and replacing it with "2008."

(C. Richard Loftin, et al)

ARTICLE 32

(Bylaw Amendment/General Law Acceptance: Committees)

To see if the Town will vote to:
Adopt Massachusetts General Laws, Chapter 40, Section 8D and to see if the town will amend Chapter 11 (Committees) to add Article VII (Nantucket Archaeological and Preservation Commission) to the Code of the Town of Nantucket as follows:

Article VII: Nantucket Archaeological and Preservation Commission

Section 24: Authority.

Whereas, the Town of Nantucket recognizes that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having a special historical, community or aesthetic interest or value is a public necessity and is required in the interest of the people the following bylaw is enacted. This by-law is enacted pursuant to M.G.L. c. 40, § 8D and such commission shall hereafter be known as the Nantucket Archaeological and Preservation Commission (NAPC).

Section 25: Purpose.

The NAPC is established for the preservation, protection and development of the historical and archeological assets of the Town. The NAPC shall have the duties and powers set forth in M.G.L. c. 40, § 8D.

Section 26: Appointment; terms of office.

- A. The Board of Selectmen shall appoint the NAPC members. Members should have demonstrated interest in the fields of historic preservation, archaeology, museums, or cultural programs. Appointees shall be resident taxpayers. Initial appointments shall be two (2) for one (1) year, two (2) for two (2), and one (1) for (3) years. After the initial appointments, NAPC members shall serve terms of three years each. The NAPC shall consist of five members. The Board of Selectmen shall appoint successors to the present members when each member's term expires.
- B. One representative of the Nantucket Historic District Commission, Nantucket Planning Board, the Parks and Recreation, Land Bank, and Conservation Commission, shall be ex-officio non-voting members. The Nantucket Historical Association and any other organization concerned with archaeological sites or historic structures shall also be invited to appoint a representative to the commission who shall serve in an ex-officio non-voting capacity.

Section 27: Vacancies.

Whenever a vacancy shall occur in the membership of the NAPC by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Selectmen for the remainder of the term.

Section 28: Officers.

The NAPC, at its first annual meeting and thereafter annually in July of each year, shall elect from its membership a Chairman, a Vice Chairman, and a Secretary. Each officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Commission shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

Section 29: Annual report; publications

The NAPC shall prepare and submit an annual report of its activities to the town. The NAPC shall prepare cultural

resource reports, historic preservation plans, maps, studies, or other relevant publications as pertain to the preservation of the Town.

Section 30: Duties; Responsibilities.

- A. The NAPC shall conduct researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes.
- B. For the purpose of protecting and preserving such places it may make recommendations, as it deems necessary to the city council or the selectmen and, subject to the approval of the city council or the selectmen, to the Massachusetts Historical Commission, that any such place be certified as an historical or archeological landmark. Upon request by any town agency, board or commission, it shall make comments on proposed permits that concern proposed alterations to landmarks, historic sites or cultural landscapes.
- C. It shall report to the state archeologist the existence of any archeological, paleontological or historical site or object discovered in accordance with section twenty-seven C of chapter nine of Massachusetts General Laws, and shall apply for permits necessary pursuant to said section twenty-seven C of Massachusetts General Laws. Any information received by a local historical commission with respect to the location of sites and specimens, as defined in section twenty-six B of chapter nine of Massachusetts General Laws, shall not be a public record.
- D. The commission may hold hearings, may enter into contracts with individuals, organizations and institutions for services furthering the objectives of the commission's program; may enter into contracts with local or regional associations for cooperative endeavors furthering the commission's program; may accept gifts, contributions and bequests of funds from individuals, foundations and from federal, state or other governmental bodies for the purpose of furthering the commission's program; may make and sign any agreements and may do and perform any and all acts which may be necessary or desirable to carry out the purposes of this section. Said commission may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

(Aaron Marcavitch, et al)

ARTICLE 33

(Zoning Bylaw Amendment: Major Commercial Developments)

To see if the Town will vote to:

Amend Chapter 139 (Zoning), Section 11 (Major Commercial Developments), Subsection D of the Code of the Town of Nantucket as follows:

Amend the following category:

(4) ...when a finding is made by the Planning Board that is in the public interest to do so. A Certificate of Appropriateness must be granted on all exterior architectural features (as defined in the Special Acts of Legislature 1970, ch. 395) by the Nantucket Historic District Commission. The COA is based on design guidelines outside of the Planning Board Design Guidelines.

(Aaron Marcavitch, et al)

ARTICLE 34

(Zoning Bylaw Amendment: Major Commercial Developments)

To see if the Town will vote to:

Amend Chapter 139 (Zoning), Section 11 (Major Commercial Developments), Subsection F of the Code of the Town of Nantucket as follows:

Amend the following subcategory:

(6) The preservation of certain historical and natural features, including but not limited to ponds, wetlands, dunes, beaches, archaeological sites, historic buildings, and cultural landscapes.

(Aaron Marcavitch, et al)

ARTICLE 35

(Zoning Bylaw Amendment: Major Commercial Developments)

To see if the Town will vote to:

Amend Chapter 139 (Zoning), Section 11 (Major Commercial Developments), Subsection J of the Code of the Town of Nantucket as follows:

Amend the following subcategory:

(2) ...off-site area. Housing reusing existing building stock is encouraged so as to promote the goal of reducing unnecessary additional infrastructure. Sensitive reuse of historic buildings is also encouraged in consultation with the Nantucket Archaeological and Preservation Commission.

(Aaron Marcavitch , et al)

ARTICLE 36

(Zoning Bylaw Amendment: Purpose)

To see if the Town will vote to:

Amend Chapter 139 (Zoning), Section 1 (Purpose) of the Code of the Town of Nantucket as follows:

To promote the health, safety, convenience, morals, and general welfare of its inhabitants, to lessen the danger from fire and congestion, to protect and conserve the value of property and the historical, cultural, and environmental elements of the town, and to encourage the most appropriate use of the land, under the provisions of the State Zoning Act, MGL c. 40A, the use, construction, repair, alteration and height of buildings and structures and the use of land and the size and shape of lots in the Town of Nantucket are hereby restricted and regulated as hereinafter provided.

(Aaron Marcavitch, et al)

ARTICLE 37

(Zoning Bylaw Amendment: Site Plan Review)

To see if the Town will vote to:

Amend Chapter 139 (Zoning), Section 23 (Site Plan Review), Subsection H of the Code of the Town of Nantucket as follows:

Add the following subcategory:

H. (5), (a) [12] Nantucket Archaeological and Preservation Commission

Amend the following subcategory:

J. (1) ...vote of the Nantucket Planning Board on October, 13, 1987. Applicants shall also consider the guidelines of the Nantucket Historic District Commission's Building with Nantucket in Mind, as amended from time to time.

(Aaron Marcavitch, et al)

ARTICLE 38

(Zoning Bylaw Amendment: Major Commercial Developments/Conditions)

To see if the town will vote to amend Chapter 139 (Zoning), Section 11 (Major Commercial Developments), Subsection F (Conditions) of the Code of the Town of Nantucket as follows:

(3) Control exterior lighting of grounds, parking areas and buildings by submission of a lighting plan. This plan shall indicate location, height, type, luminous intensity, and estimates for site illumination. This plan shall require that no light be projected above the horizontal plane, and otherwise conform to the conditions in Chapter 102, Lighting.

(Peter Boyce, et al)

ARTICLE 39

(Zoning Bylaw Amendment: Site Plan Review)

To see if the Town will vote to amend Chapter 139 (Zoning), Section 23 (Site Plan Review) of the Code of the Town of Nantucket as follows:

F. (1), (q) ...screening purposes: path; outdoor lighting fixtures, indicating that the fixture is fully shielded such that light is not projected above the horizontal plane and conforms to Chapter 102, Lighting;

J. (3) ...illumination of .5 foot-candle unless otherwise permitted by the review authority. Lighting fixtures shall be shielded in such a way as to not project light above the horizontal plane and to prevent glare on adjoining properties, and on public and private rights-of-way, as stipulated in Chapter 102, Lighting...

(Peter Boyce, et al)

ARTICLE 40

(Zoning Bylaw Amendment: Parking and Driveway Modifications)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket, by altering driveway standards, as follows (*NOTE: new language is shown as highlighted text; language to be deleted is shown by strike-out; these methods used to denote changes are not meant to become part of the final text*):

Third, amend the existing 139-20.1(B)(2)(h) text as follows:

(h) On-site turnarounds will be required for all lots within the LUG-1, LUG-2, LUG-3, and MMD zoning districts, except for those lots in said districts that are within a Cluster or MRD subdivision and ~~these~~ lots with driveway access onto the following roadways:

(Note: the remainder of this section remains unchanged)

(Board of Selectmen for Planning Board)

ARTICLE 41

(Zoning Map Change: LUG-1 to RC-2)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following parcels , now situated in the Limited Use General-1 zoning district, in the Residential Commercial-2 zoning district:

Map 54, Parcels 47, 48, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 133, 134, 135, 176, 177, 178, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 290, 291, Chatham Street, Sasachumet Lane, and the portion of Parcel 175,

labeled on the Nantucket Assessor's Map as a "Way" lying between parcels 176 and 177; and Map 55, Parcel 68; as shown upon a copy of a portion of Nantucket Assessor's Map 54 below.

(Lydle L. Rickard, et al)

ARTICLE 42

(Zoning Map Change: Macy's Lane)

To see if the Town will vote to amend the Zoning Map of the Town of Nantucket by placing the following parcels, now situated in the Limited Use General-2 zoning district, in the Residential Commercial-2 zoning district:

Map 68, Parcels 54 and 55 (together known as 35 Macy's Lane) (Land Court Plan 16514-G, Lot 48, and Land Court Plan 16514-S, Lot 94).

(Raymond P. Conlon, et al)

ARTICLE 43

(Zoning Map Change: Multi-Family Overlay District)

To see if the Town will vote to add land parcel 239.2 as described and identified on Map 68 in Deed Book Pg. 74 to the Multi Family Overlay District (MFOD).

(Allan LaFrance, et al)

ARTICLE 44

(Zoning Map Change: Multi-Family Overlay District)

To see if the Town will vote to add Assessor's map parcels 68.251.1 and 68.251.2 as described and identified on Map 68 in Deed Book Pg. 74 to the Multi Family Overlay District (MFOD).

(Board of Selectmen for Allan LaFrance, et al)

ARTICLE 45

(Zoning Bylaw Amendment: Island Perimeter Restrictions)

To see if the town will vote to amend Chapter 139 (Zoning), Section 22B (Island Perimeter Restrictions) of the Code of the Town of Nantucket as follows (*NOTE: new language is shown as highlighted text; language to be deleted is shown as strike-out; these methods to denote changes are not meant to become part of the final text*):

139-22. Island Perimeter restrictions.

B. In all districts, ~~except the Residential Commercial District~~ the construction of new docks and piers and wharves, including extensions of new or enlarged docks, piers or wharves, the extension of existing docks, piers or wharves, and the addition or creation of new appurtenant structures (defined as floats or ramps) for existing docks, piers or wharves is prohibited for shorefront land, except those docks, wharves and piers approved by the Nantucket Conservation Commission as of April 30, 1992, and as of April 15, 2005 for the Residential Commercial District, and/or future docks, wharves and piers of governmental or public entities. Nothing herein shall prohibit nor regulate the repair, maintenance or replacement of any dock, pier or wharf lawfully existing as of April 30, 1992, and as of April 15, 2005 for the Residential Commercial District, so long as such dock, pier or wharf is not extended nor any new appurtenant structures are added thereto. [Amended 5-5-1992 ATM by Art.38, AG approval 8-3-1992; 4-10-1995 ATM by Art. 50, AG approval 5-22-1995; 4-13-1998 ATM by Art. 35, AG approval 7-31-1998; 4-10-2000 ATM by Art.29, AG approval 8-2-2000]

(Cormac Collier, et al)

ARTICLE 46

(Zoning Bylaw Amendment: Secondary Residential Lots)

To see if the Town will vote to Amend Section 139-7 H(3)(f) of the Nantucket Zoning Bylaws to read as follows:

(f) The primary lot and the secondary lot shall comply with the ground cover, front setback, side setback and rear setback requirements of the underlying zoning district, with the exception that the ground cover ratio solely for a secondary lot in the R-1 Zoning District shall be 36%; and further excepted that if the original lot has been improved with two dwelling units constructed pursuant to a building permit or permits duly issued on or before April 12, 2004, notwithstanding any pre-existing non-conformities relating to ground cover, front setback, side setback and rear setback, said original lot may be divided hereunder provided that said division does not increase any dimensional nonconformity and that if there are non-conformities with respect to primary lot and/or secondary lot groundcover, the sum of the groundcover of the primary and secondary lot complies with the ground cover requirement of the Original Lot, or does not exceed the ground cover existing as of April 12, 2004.

(Cliff J. Johnson, et al)

ARTICLE 47

(Zoning Bylaw Amendment: Mixed-Income Residential Development)

To see if the Town will vote to

Amend Sections 139-7 and 139-30 of the Code of the Town of Nantucket, or to take any other action relative thereto:

FIRST, add the following bylaw to Section 139-7:

139-7I. Mixed-Income Residential Development (MIRD) Special Permit

(1) The purpose of this bylaw is to encourage the creation of affordable houses on Nantucket by giving landowners the option of subdividing two or more lots shown on a conventional or cluster subdivision plan so as to create a Mixed-Income Residential Development (MIRD). For each lot brought into the MIRD subdivision, the second-dwelling right can be converted into an additional, separately owned "bonus" lot carrying an affordable housing covenant. (All affordable lots are "bonus" lots.) The affordable lots and an equal number of market-rate lots are restricted to one dwelling per lot. The total number of houses allowed in the MIRD subdivision is the same as the total number allowed on the land being subdivided.

(2) The following definitions apply to this Section 139-7I:

Affordable 80 Covenant: a Nantucket Housing Needs Covenant-- Ownership Form, as defined in Chapter 100 of the Code of the Town of Nantucket, with a provision in perpetuity that the subject lot with dwelling thereon shall be owned and occupied by a household earning no more than 80% of the Nantucket County median household income adjusted for family size. Affordable 80 Lot: a buildable lot on a MIRD Plan that is subject to an Affordable 80 Covenant.

Affordable 150 Covenant: a Nantucket Housing Needs Covenant-- Ownership Form, as defined in Chapter 100 of the Code of the Town of Nantucket, with a provision in perpetuity that the subject lot with dwelling thereon shall be owned and occupied by a household earning no more than 150% of the Nantucket County median household income.

Affordable 150 Lot: a buildable lot on a MIRD Plan that is subject to an Affordable 150 Covenant Cluster development: a subdivision created pursuant to Section 139-7B.

Conventional subdivision: a subdivision that conforms or once conformed to the intensity regulations of Section 139-16 or preexists the enactment of the Nantucket zoning bylaw.

Market-Rate Lot: a buildable lot on a MIRD Plan that is not an Affordable Lot.

MIRD Plan: a subdivision plan that is created by subdividing land pursuant to this Section 139-71.

NHNC Program: the Nantucket Housing Needs Covenant Program set forth in Chapter 100 of the Code of the Town of Nantucket and regulations thereunder.

Original Lots: the lots on an Original Plan that comprise the land being subdivided to create a MIRD Plan.

Original Plan: an AR or ANR plan endorsed or otherwise approved by the Planning Board showing a conventional subdivision or a cluster development, but neither a previously created MIRD Plan nor a plan created pursuant to Section 139-7F (Major Residential Development) shall qualify as an Original Plan.

Two-dwelling lot: a lot on which two dwellings legally can be built, such determination to be made with regard to the provisions of this zoning bylaw, applicable special permits and variances, deed restrictions and other documents of record, health regulations, and restrictions mandated by the Planning Board.

(3) By grant of special permit the Planning Board may allow creation of a MIRD subdivision as provided in this Section 139-71.

(4) Any two or more two-dwelling lots on an Original Plan, whether or not in common ownership, may be subdivided to create a MIRD Plan. Lots on an Original Plan that do not qualify as two-dwelling lots shall not be included in the land being subdivided on the MIRD Plan. (The lots on an Original Plan that comprise the land on the MIRD Plan are referred to herein as "Original Lots.")

(5) The number of Market-Rate Lots shall equal the number of Original Lots. Market-Rate Lots shall be designated as such on the MIRD Plan.

(6) The number of Affordable Lots shall be a number that is at least 25% but not more than 100% of the number of Original Lots. (A fraction of a lot shall be counted as a whole lot.)

(7) At least 25% of the Affordable Lots shall be designated as Affordable 80 Lots. (A fraction of a lot shall be counted as a whole lot.) The remaining Affordable Lots shall be designated as Affordable 150 Lots.

(8) Affordable Lots shall be restricted as follows:

(a) Each Affordable Lot shall be made subject to the appropriate Affordable Covenant prior to the issuance of a building permit for construction of a dwelling on that lot; except that an Affordable Lot on which there is a dwelling existing at the time of the Planning Board's endorsement of the MIRD Plan, or for which a building permit was issued prior to such endorsement, shall be made subject to the Covenant at or before the time of such endorsement.

(b) The Planning Board, after consulting with the Nantucket Housing Authority or its designee, shall impose conditions in the MIRD special permit as necessary to ensure that each Affordable Lot will meet the requirements of the NHNC Program.

(9) All Affordable Lots and an equal number of Market-Rate Lots shall be restricted to one dwelling per lot. Each Market-Rate Lot that is restricted to one dwelling shall be so designated on the MIRD Plan.

(10) No office or studio, other than an office or studio within a dwelling, shall be built in a MIRD subdivision on a lot that is restricted to one dwelling.

(11) Dimensional requirements for buildable lots on the MIRD Plan are as follows:

(a) Frontage requirements:

(i) The total frontage of buildable lots on the MIRD Plan shall be not less than the total frontage of the Original Lots.

(ii) The frontage requirement for two-dwelling lots on the MIRD Plan shall be as follows:

(1) If the Original Plan is a conventional subdivision, the frontage requirement is that provided by the intensity regulations of Section 139-16, or the average frontage of the Original Lots, whichever is less.

(2) If the Original Plan is a cluster development, the frontage requirement is 20 feet.

(iii) There shall be no frontage requirement for one-dwelling lots on the MIRD Plan. However, when a proposed MIRD Plan shows one or more one-dwelling lots with less frontage than the frontage requirement for a two-dwelling lot (as defined in subparagraph (ii) above), the following shall apply: The Planning Board shall impose easements and/or other conditions as necessary to ensure adequate access and utility service to such one-dwelling lots; and the

Planning Board also may impose building envelopes and/or other conditions that will result in an appropriate placement of dwellings in the subdivision.

(b) The maximum ground cover ratio for lots on the MIRD Plan shall be the same as that for the Original Lots.

(c) If the Original Plan is a conventional subdivision, the lots on the MIRD Plan shall conform to the dimensional requirements in the following table.

	One-dwelling minimum lot size	Two-dwelling minimum lot size	Front setback	Side/rear setback
MMD	3 acres	8 acres	30	10
LUG-3	36,000	96,000	15	10
LUG-2	24,000	64,000	15	10
LUG-1	14,000	32,000	15	10
R-2	8,000	16,000	15	5
R-10	4,000	8,000	15	5
R-1, ROH, RC, RC-2, LC	2,000	4,000	10	5

(d) If the Original Plan is a cluster development, the lots on the MIRD Plan shall conform to the dimensional requirements in the following table; except that the Planning Board may reduce side or rear setbacks by up to 100% pursuant to Section 139-7B(3)(a).

	One-dwelling minimum lot size	Two-dwelling minimum lot size	Front setback	Side/rear setback
MMD	9,000	18,000	30	10
LUG-3	4,500	9,000	15	10
LUG-2	4,500	9,000	15	10
LUG-1	4,500	9,000	15	10
R-2	2,250	4,500	15	5
R-10	2,000	3,600	15	5
R-1, ROH, RC, RC-2	2,000	3,200	10	5

(12) The Planning Board in its discretion may require that a MIRD subdivision shall have common driveways subject to the requirements of Section 139-20.1B(3).

(13) Market-Rate Lots on the MIRD Plan shall be subject to any provisions of Section 139-24A (phased development) that may apply to the Original Lots. Affordable Lots shall be exempt from such provisions.

(14) Lots on a MIRD Plan shall not be further subdivided except for minor lot-line adjustments, and such limitation on subdivision shall be noted on the MIRD Plan.

(15) Nothing in this bylaw shall be construed to affect the applicability of the Planning Board's Rules and Regulations Governing the Subdivision of Land.

(16) Nothing in this bylaw shall be construed to prohibit the voluntary imposition of a Nantucket Housing Needs Covenant on a Market-Rate Lot.

(17) Except as stated above, all other provisions of this zoning bylaw shall be applicable to a MIRD subdivision.

SECOND, in Section 139-30A (Special Permits), after the text "139-7(b)" insert: "for Mixed-Income Residential Developments pursuant to Section 139-7I,".

Comment: If a developer wished to convert his 10-lot, 20-house subdivision into a MIRD subdivision with the maximum number of lots allowed under this bylaw, he could get 10 affordable ("bonus") lots and 10 market-rate lots, a total of 20 lots, all of which would be restricted to one dwelling per lot. One-fourth of the 10 affordable lots, or 3 lots, would be in the 80% program; the other 7 affordable lots would be in the 150% program.

If the developer instead wished to have only 3 affordable lots, he could designate one lot as an 80% lot, 2 lots as 150% lots, and 10 lots as market-rate lots. All 3 affordable lots would be restricted to one dwelling each, as would be 3 of the market-rate lots. The remaining 7 market-rate lots each would have 2 dwellings, for a total of 13 lots and 20 houses in the MIRD subdivision.

(C. Richard Loftin, et al)

ARTICLE 48

(Zoning Bylaw Amendment: Secondary Dwellings)

To see if the Town will vote to amend the Nantucket Code, Chapter 139, by adding a new subsection (j) to paragraph 139 - 7 A. (2) which will read as follows:

(j) No secondary dwelling, as otherwise permitted by this section, shall be allowed on any lot created after an affirmative vote by Town Meeting on this warrant article.

COMMENT: The intent of this article is to propose a fair, first-step solution in regard to the much-debated issue of second dwellings. Its purpose is twofold: first, to reaffirm the right granted to property owners under current zoning laws to construct second dwellings on existing lots and, second, to moderate the impact of future growth by limiting development on lots to be created in the future to one dwelling. This article was first proposed at the 1998 Annual Town Meeting. While it received 267 yes votes, it did not garner the required two-thirds majority necessary for passage.

In light of the discussion generated by the Comprehensive Wastewater Management Plan (CWMP) and its multi-million dollar cost — specifically the proposed upgrade and expansion of the Surfside Treatment Facility — it seems timely to reintroduce the proposal. Fewer overall second dwellings will have a direct impact on build-out estimates, which are used to determine the capacity needed at the Surfside Facility. Lower build-out scenarios, however modest, should result in reduced capacity projections. Reduced capacity projections, in turn, will lessen the size of the expansion needed and lower the cost of the project. Hopefully this will make it easier for the community to reach consensus regarding a manageable size and cost of an upgraded and expanded treatment plant.

This article imposes no hardship on property owners: rather, it preserves our right to construct a second dwelling on our property, as permitted under current zoning laws. It is **only lots that might be created in the future which will be limited to one primary dwelling**. By supporting this proposal, we will be acting to moderate the potential adverse impact of future development, while at the same time retaining our existing development rights. Further, adoption of this article

does not in any way preclude a future Town Meeting from acting on any other recommendations regarding second dwellings. Its adoption, however, allows us to take immediate, positive action in regard to an issue that everyone agrees has significant impact on development of Nantucket.

(Rick Atherton, et al)

ARTICLE 49

(Zoning Bylaw Amendment: Formula Retail Use)

To see if the Town will vote to amend Chapter 139 (Zoning) of the Code of the Town of Nantucket as follows:

First: Add the following to §139-3(E) Establishment of Districts:

Historic Downtown Overlay District HDOD

Second: Add the following to §139-4 Location of Districts

The Historic Downtown Overlay District (HDOD) shall be located as depicted on a map entitled "Historic Downtown Overlay District," dated November 30, 2004, prepared by the Nantucket GIS Department, incorporated by reference and made a part hereof. A copy of the map is on file with the Town Clerk and the Building Commissioner.

Third: Add the following to §139-2 Definitions and word usage

FORMULA RETAIL USE - Formula retail use is hereby defined as a type of retail sales activity or retail sales establishment which, except for a grocery store, along with five or more other retail sales establishments nationally, maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, standardized signage, or a trademark.

1. Standardized array of merchandise shall be defined as 50% or more of in-stock merchandise from a single distributor bearing uniform markings.
2. Trademark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.
3. Décor shall be defined as the style of interior finishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.
4. Color Scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the façade.
5. Façade shall be defined as the face or front of a building, including awnings, looking onto a street.
6. Signage shall be defined as business sign pursuant to Chapter 124 of the Town Bylaw.

GROCERY STORE - A business primarily devoted to selling items including dairy products, produce, processed foods, meat, fish, non-alcoholic beverages, and baked goods.

Fourth: Add the following to §139-12 Overlay Districts

H. The purpose of the Historic Downtown Overlay District is to encourage appropriate use of historic resources within the traditional central business district and to encourage businesses that are beneficial to the traditional culture of Nantucket and to its economic vitality. In addition to the requirements of the underlying zoning, the following standards shall apply to a proposed use or an expansion of an existing use:

- a. Business located within the Historic Downtown Overlay District should not substantially alter the identity of Nantucket in a way that detracts from its uniqueness or contributes to a nationwide trend of standardized downtown offerings.
- b. Such uses should contribute to a diverse and appropriate blend of businesses. They should complement those businesses already on Nantucket and help promote and foster the local economic base as a whole.

- c. Such uses should be compatible with existing surrounding uses and have been designed to operate in a non-obtrusive manner to preserve the community's character and ambiance.
- (1) Except for formula retail businesses (as defined in 139-2), all other uses allowed or permitted in this district are the same as those uses allowed or permitted in the underlying zones.
- (2) The Planning Board may in its discretion grant a special permit for formula retail use, as defined in 139-2, within the Historic Downtown Overlay District subject to the following standards and conditions and any other conditions the Planning Board in its discretion may impose to ensure conformity with these standards and with the review objectives and performance standards of Chapter 139-23A:
 - a. Formula retail use not exceeding one thousand (1,000) square feet of gross floor area;
 - b. The street frontage not exceeding fifty feet (50');
 - c. Retail operation does not exceeding two stories;
 - d. Approval of the formula business use will be consistent with the goals of the Nantucket Comprehensive Community Plan, or any other community master plan.

(Board of Selectmen for Wendy M. Hudson)

***Comment:** The proposed overlay district is the current definition for the Core Old Historic Area, as defined by the Nantucket Historic District Commission. This bylaw will codify the HDOD into the Zoning Bylaw and add protections to preserve the character of the Core District.*

ARTICLE 50

(Town Sewer District Map Change)

To see if the Town will vote to amend the Town of Nantucket Sewer District Map by including the following parcels of land within the Sewer District: (a) 14 Somerset Road – Tax Map 56, Parcel 104; (b) 16 Somerset Road – Tax Map 56, Parcel 302; (c) 18 Somerset Road – Tax Map 56, Parcel 104.1; and (d) 20 Somerset Road – Tax Map 56, Parcel 303.

(John A. Stanton, et al)

ARTICLE 51

(Siasconset Sewer District Map Change)

To see if the Town will vote to amend the Siasconset Sewer District Map by including the following Parcels of land within the Siasconset Sewer District:

(a) 9 Jennifer Lane – Tax Map 49.3.2, Parcel 4; (b) 15R Burnell Street – Tax Map 73.4.2, Parcel 50; (c) 13R Burnell Street – Tax Map 73.4.2, Parcel 89; and (d) 12 Lincoln Street – Tax Map 73.4.2, Parcel 88.

(Richard J. Glidden, et al)

ARTICLE 52

(Bylaw: Outdoor Lighting)

To see if the town will vote to add Chapter 102 to the Code of the Town of Nantucket as follows:

§ 102-1: Purpose; Applicability

- A. Good outdoor lighting at night benefits everyone. It increases safety, enhances the Town's nighttime character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone.
- B. There is a need for a lighting ordinance that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and compliment the Town's character. Appropriately regulated, and properly installed, outdoor lighting will contribute to the safety and welfare of the residents of the town.
- C. This ordinance is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial

costs of outdoor lighting by establishing regulations that limit the direction of lighting and the area that certain kinds of outdoor-lighting fixtures can illuminate.

- D. The secondary purpose of this ordinance is to preserve the rural nature of the countryside, enhance nighttime enjoyment of property, and enhance the enjoyment of the night sky.
- E. All lighting standards in this section are applicable to all lighting and no lighting shall be installed or continued that violates the standards of this chapter.

§ 102-2: Definitions

- A. Event Lighting: Any lighting used for outdoor activities with large public gatherings.
- B. Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
- C. Flood or Spotlight: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
- D. Foot-candle: A measurable industry standard of illumination equivalent to one lumen per square foot.
- E. Glare: Light emitting from a light source with intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.
- F. Height of Light Source: The height of a light source shall be the vertical distance from the ground directly below the centerline of the light source to the lowest direct-light-emitting part of the light source.
- G. Indirect Light: Direct light that has been reflected or has scattered off of other surfaces.
- H. Lamp: The component of a light source that produces the actual light.
- I. Light Trespass: The shining of light produced by a light source beyond the boundaries of the property on which it is located.
- J. Outdoor Lighting: The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
- K. Uplighting: Any fixture aimed in such a way as to project the light upward – above the horizontal plane passing through the lamp.

§ 102-3: Regulations; Prohibitions

- A. All residential fixtures with lamps of 600 lumens (about 40 watts incandescent) or less per fixture are exempt from regulation.
- B. All residential and commercial exterior lighting shall be designed such that the lamp is not directly visible from adjacent and neighboring properties or public rights-of-way.
- C. For all type of uses, light level shall be no greater than one-half (0.5) of a foot-candle at a height of five feet above grade at the property line.
- D. No commercial property or properties containing mixed uses with a commercial component may exceed 20 foot-candles as measured three feet above grade (approximate waist height).
- E. In addition to being in compliance with the below sections, no exterior lighting may be used in any manner that could interfere with the safe movement of motor vehicles on publicly traveled ways. Specifically, any light not designed for roadway illumination that produces direct or reflected glare that could be disturbing to the operator of a motor vehicle is prohibited.
- F. Mercury vapor sources are prohibited from use. The installation, sale, offering for sale, lease or purchase of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.

§ 102-4: Uplighting; highlighting; floodlighting; motion lighting, recreation facilities

- A. Uplighting is only permitted when used as follows:
 - 1. To light a primary entrance, when the lighting fixture is wall-mounted under an architectural element (e.g. roofs over walkways/entries or overhanging, non-translucent eaves) and that this element contains the

- illumination, and
2. To light local, state, or national flags, when no more than two light fixtures per flag are used, with a maximum of 150 watts (incandescent) each. The fixtures must be shielded such that the lamp is not visible outside a 15' radius.
 - B. Highlighting, or illumination, of building facades by use of uplighting is prohibited. Driveways, and landscaping lighting shall be limited to 35 incandescent watts per fixture per 150 square feet of driveway or landscape area.
 - C. Floodlighting is only permitted when it is down-directed and fully-shielded such that the lamp is not visible from adjacent and/or neighboring properties. Ground-mounted floodlighting of a structure is prohibited.
 - D. For safety and security lighting the use of motion sensors, photocells, or photocell/timers to control duration of nighttime illumination is required. In all cases light intensity on the property shall be limited to between one (1) and two (2) foot-candles measured at a height of 3 feet above grade.
 1. Motion sensors are the preferred method for controlling nighttime illumination since they turn on lights only when activated by motion and will remain on during the activity and for a set period of time (typically up to 30 minutes) following the last detection of motion. These are only permitted where the sensor is triggered by activity within the owner's property line.
 2. Photo cells illuminate a property for the entire night (i.e. they are activated by sunlight, turning lights on at dusk and off at dawn). They are only permitted under the following conditions:
 - a. At primary points of entrance (e.g. front entries) or in critical common areas for commercial and multi-family properties.
 - b. Where the light sources are fully-shielded by opaque material (i.e. the fixture illuminates the area but is not itself visibly bright)
 - c. Where the light source is fluorescent (or compact fluorescent) to eliminate excess electricity consumption. For non-residential properties, HID light sources (high pressure sodium and metal halide) may be used instead of fluorescent lighting with partial cutoff shielding.
 3. Timer/Photocell combinations activate the light source at dusk and turn it off at a selected time several hours later, well before dawn. This is the preferred method when used for nighttime control at primary points of entrance (e.g. front entries) and may be used with fully shielded lighting fixtures with non-transparent diffusion material.)
 - E. In recreation facilities, all lighting must conform to the above standards, except for those used for event lighting. Event lighting shall be fully shielded or provided with sharp cut-off capability, so as to minimize uplighting, spill-light, and glare.

§ 102-5: Fixture Height of light source

- A. Any fixture with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot fixtures with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value $5 + (D/3)$, where D is the distance in feet to the nearest property boundary. The maximum height of the fixture may not exceed 20 feet.
- B. Non-residential, public service, and/or mixed residential and commercial fixture height of light source and types shall be as follows.
 1. Fixture height of light source shall be ten (10) feet or less in height, or the fixture must be fully shielded (cutoff), non-adjustable, and down directed (or building mounted and directed back at a facade).
 2. Parking lot lights shall be no greater than twelve (12) feet high. Light intensity on the lot shall not exceed one (1) foot-candle measured at a height of three (3) feet.
 3. Pedestrian area lighting shall be no more than twelve (12) feet in height. Light intensity shall be between one-half (0.5) and one (1) foot-candle measured at ground level. Low-level fixtures that are fully shielded and down directed are preferred in most areas. Pole mounted options above 6' must be fully shielded, non-adjustable, and down directed.
- C. Event lighting shall be exempt from height limitations.

§ 102-6: Architectural Lighting; Feature Lighting

- A. All architectural lighting for residential purposes must comply with relevant Historic District Commission guidelines and application procedures.
- B. Linear architectural highlighting (including rope-lighting) primarily intended as an architectural highlight to attract attention or used as a means of identification or advertisement is discouraged and must be turned off 30 minutes after the close of public hours.
- C. Blinking, flashing, moving, revolving, scintillating, flickering, changing intensity and changing color lights shall be prohibited except for temporary holiday displays, lighting for public safety or traffic control, or lighting required by the FAA for air traffic control and warning purposes.

§ 102-6 Exemptions; Temporary Lighting

- A. Except as noted below, the following types of lighting shall be exempt from the provisions, requirements and review standards of this section
 - 1. Health, safety, and welfare. If a lighting plan or fixtures are proposed in which the deviations from this code provide demonstrable community and/or health, safety, and welfare benefits, an exemption may be considered. FAA and other Federal lighting requirements are considered public safety benefits. The applicant shall submit information to adequately assess the community and/or health, safety, and welfare benefits for approval by the Zoning Enforcement Officer.
 - 2. Holiday/Winter lighting for residential and commercial properties. The lighting associated with any national, state, local, or religious holiday or celebration is recommended to be lit for no more than three weeks prior and two weeks following the holiday. The light intensity of all holiday lighting shall not exceed one-half (0.5) of a foot-candle at the property line.
 - 3. Approved Historic Lighting Fixtures which may be otherwise non-conforming and which are consistent with the character of the historic structure may be exempted with proof of approval from the Historic District Commission. Approved fixtures shall be consistent with the architectural period and design style of the structure and the lamps shall not exceed 750 lumens (about 50 watts incandescent) per fixture. Lighting utilizing natural gas is also exempt within the context of a fixture meeting the character of a historic fixture.
- B. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular light sources, shall be exempt from the requirements of this article.
- C. Lighting for Temporary Commercial Use/Special Events may be requested through the Board of Selectmen, in conjunction with the special events permit.

§ 102-7: Effective date; Violations

- A. Unless otherwise specified within this section, within three (3) years of April 1, 2005 all outdoor lighting fixtures that do not conform to requirements of this code must be replaced with conforming fixture or existing fixtures must be retrofitted to comply. Until that time all existing outdoor lighting fixtures shall be considered legal nonconforming fixtures, provided that the existing fixtures may not be expanded or increased in a manner which would result in greater non-conformity.
- B. It shall be deemed a breach of the peace and it shall be the duty of any police officer of the Town to order any person or persons so acting as to violate the provisions of this chapter to cease any prohibited activities which are specified in this chapter and, if the person or persons so ordered do not forthwith obey, to remove such person or persons or to arrest and/or cause such person or persons to be brought before the Trial Court of the Commonwealth District Court, Nantucket Division, upon a complaint made for a violation of the provisions of §102.C.
If the violation occurs on the premises of rental property, the owner and/or his/her agent of said property must be notified in writing by certified mail that a violation of § 102 has occurred on said rental property and that a complaint for violation of said section may be taken against him or her if said property owner and/or his/her agent fails to bring the property into compliance.

- C. Upon an apparent violation of this chapter, the offending party shall be given a verbal order by the enforcing police officer to turn off or abate the light immediately or within a specified period of time. If the order is not complied with, the person or persons responsible shall be charged with a violation of this chapter. Anyone who violated this chapter shall be subject to a fine of \$100. Written record of all measured violations shall be kept by the Police Department.
- D. Any police officer of the Town may utilize the noncriminal disposition specified in MGL c. 40, § 21D and Nantucket Code §§1-2 through 1-6

(Peter Boyce, et al)

ARTICLE 53

(Bylaw Amendment: Wetlands)

To see if the town will vote to amend Chapter 136 (Wetlands), Section 4G (Hearing; determination; enforcement orders; appeals; plan changes or modifications) of the Code of the Town of Nantucket as follows (*NOTE: new language is shown as highlighted text; language to be deleted is shown as strike-out; these methods to denote changes are not meant to become part of the final text*):

136 - 4 Hearing; determination; enforcement orders; appeals; plan changes or modifications

- G. ~~Any party aggrieved by a~~ A permit issued pursuant to this chapter may ~~file~~ **be appealed by the filing of** a complaint seeking relief in the Superior Court of the County of Nantucket not more than 20 days after the issuance of the permit by the Commission, by any of the persons or parties entitled to request a Superseding Order of Conditions, a Superseding Determination of Applicability, or an adjudicatory hearing pursuant to the Massachusetts Wetlands Protection Act Regulations promulgated by the Massachusetts Department of Environmental Protection at 310 CMR 10.00. [Added 5-17-1988 ATM by Art. 95, approved 9-28-1988]

(Cormac Collier, et al)

ARTICLE 54

(Bylaw: Chemical Pesticides)

To see if the Town will vote to amend the Health Regulations of the Town of Nantucket by adding the following Chapter 68:

68.0 Chemical Pesticides

Background

Chemical pesticides have been linked to a variety of human health problems, most notably in younger children, who have less mature metabolic pathways and immune systems, which renders them more susceptible to toxic exposure. Chemical pesticides have also been linked to health degradation of water bodies, aquatic vegetation, shellfish, domestic animals, and waterfowls and aquatic invertebrates.

68.1 Purpose and Intent

It is the purpose of this regulation to protect and preserve the long-term health, safety, and welfare of human, animal, shellfish, ground and surface water resources, and plant life by defining specific chemical pesticides already established by the Commonwealth of Massachusetts as hazardous materials and regulating their use on the delineated environmental resource area known as Nantucket Island. These chemicals are regulated as potential toxins and may not be used in areas where people derive their drinking water, which should be expanded to include private wells. Regulations are intended to prevent contamination of public drinking water supply wells through regulating the application of pesticide products on the **Groundwater Protection List** within primary recharge areas. A primary recharge area is either an "Interim Wellhead Protection Area" or a "Zone II. "

68.2 Definitions

A. Pesticide

The term "pesticide" means any federally and state regulated material; as defined by the Massachusetts Department of Agricultural Resources Groundwater Protection List of 2004 which refers to a list of pesticide active ingredients that could potentially impact groundwater due to their chemical characteristics and toxicological profile. These include **Herbicides, Insecticides, and Fungicides** with the following ingredients: Acetochlor, Aldicarb, Chlorothalonil, Acifluoren, Carbofuran, Cyproconazole, Alachlor, Disulfoton, Folpet, Aldicarb, Fenamiphos, Atrazine, Fonofos, Bentazon, Lindane, Bromacil, Methoxyfenozide, Cyanazine, PCP, Chlorthal-Dimethyl, Propoxur, Dimethanamid, Terbufos, Diuron, Thiamethoxam, Flufenacet, MCPA, Metolachlor, Propazine, and Simazine. Many of the above are used in commercial and private applications to eliminate "nuisance" plant or insect species; the ban on regulated materials would include both chemically or synthetically altered fertilizers.

B. Person

"Person" shall mean any individual, corporation, trust, partnership, or association, or other entity.

C. Interim Wellhead Protection Area (IWPA)

For public water systems using wells or wellfields that lack a Department approved Zone II, the Department will apply an interim wellhead protection area. This interim wellhead protection area shall be a one-half mile radius measured from the well or wellfield for sources whose approved pumping rate is 100,000 gpd or greater. For wells or wellfields that pump less than 100,000 gpd, the IWPA radius is proportional to the approved pumping rate which may be calculated according to the following equation: IWPA radius in feet = $(32 \times \text{pumping rate in gallons per minute}) + 400$. A default IWPA radius or an IWPA radius otherwise computed and determined by the Department shall be applied to transient non-community (TNC) and non-transient non-community (NTNC) wells when there is no metered rate of withdrawal or no approved pumping rate. The default IWPA radius shall be 500 feet for TNC wells and 750 feet for NTNC wells.

D. Zone II

That area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend upgradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

68.3 Chemical Pesticides

No person shall sell, store, or apply any of the listed chemical pesticides, retroactive one year after passage of this regulation, to allow for industry re-education and retail inventory depletion, unless The Nantucket Board of Health, and/or the Massachusetts or Federal EPA determines and/or requires, that its use is in the interest of public health and/or safety.

68.4 Penalty

Any person violating this regulation shall be punished by a fine of not more than \$300.00 for each offense.

68.5 Well Supply Protection Area Definitions

Public Water Supply Protection Areas are defined in the Drinking Water Regulations at 310 CMR 22.02. The regulatory wording is also provided below.

Groundwater Protection Areas: (See Map: 68.6)

A. Interim Wellhead Protection Area (IWPA)

For public water systems using wells or wellfields that lack a Department approved Zone II, the Department will apply an interim wellhead protection area. This interim wellhead protection area shall be a one-half mile radius measured from the well or wellfield for sources whose approved pumping rate is 100,000 gpd or greater. For wells or wellfields that pump less

than 100,000 gpd, the IWPA radius is proportional to the approved pumping rate which may be calculated according to the following equation: IWPA radius in feet = $(32 \times \text{pumping rate in gallons per minute}) + 400$. A default IWPA radius or an IWPA radius otherwise computed and determined by the Department shall be applied to transient non-community (TNC) and non-transient non-community (NTNC) wells when there is no metered rate of withdrawal or no approved pumping rate. The default IWPA radius shall be 500 feet for TNC wells and 750 feet for NTNC wells.

Zone I -

The protective radius required around a public water supply well or wellfield. For public water system wells with approved yields of 100,000 gpd or greater, the protective radius is 400 feet. Tubular wellfields require a 250 foot protective radius. Protective radii for all other public water system wells are determined by the following equation: Zone I radius in feet = $(150 \times \log \text{ of pumping rate in gpd}) - 350$. This equation is equivalent to the chart in the Division's Water Supply Guidelines. A default Zone I radius or a Zone I radius otherwise computed and determined by the Department shall be applied to transient non-community (TNC) and non-transient non-community (NTNC) wells when there is no metered rate of withdrawal or no approved pumping rate. The default Zone I radius shall be 100 feet for TNC wells and 250 feet for NTNC wells.

Zone II -

That area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at approved yield, with no recharge from precipitation). It is bounded by the groundwater divides which result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases, Zone II shall extend upgradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

Zone III -

The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II. The surface drainage area as determined by topography is commonly coincident with the groundwater drainage area and will be used to delineate Zone III. In some locations, where surface and groundwater drainage are not coincident, Zone III shall consist of both the surface drainage and the groundwater drainage areas.

B. Surface Water Protection Areas:

Zone A -

- (a) the land area between the surface water source and the upper boundary of the bank;
- (b) the land area within a 400 foot lateral distance from the upper boundary of the bank of a Class A surface water source, as defined in 314 CMR 4.05(3)(a); and
- (c) the land area within a 200 foot lateral distance from the upper boundary of the bank of a tributary or associated surface water body.

Zone B -

The land area within one-half mile of the upper boundary of the bank of a Class A surface water source, as defined in 314 CMR 4.05(3)(a), or edge of watershed, whichever is less. However, Zone B shall always include the land area within a 400 foot lateral distance from the upper boundary of the bank of the Class A surface water source.

Zone C -

The land area not designated as Zone A or B within the watershed of a Class A surface water source as defined at 314 CMR 4.05(3)(a).

(Philip Austin, et al)

ARTICLE 55

(Bylaw Amendment: Streets and Sidewalks)

To see if the Town will vote to amend Chapter 127 (Streets and Sidewalks) Article VIII (Private Road Betterments), § 127-25 (Betterments) of the Code of the Town of Nantucket, as follows (*NOTE: new language is shown as highlighted text; language to be deleted is shown by strike-out; these methods to denote changes are not meant to become part of the final text*):

§ 127-25. Betterments.

- A. The costs of the repairs and of borrowings undertaken by the Town pursuant to Chapter 237 of the Acts of 1995 shall be apportioned to and among the benefited property owners along the road so repaired/improved as a betterment pursuant to MGL c. 80. **Benefited property owners shall be those who utilize the repaired/improved road(s) to access their property.** Unless otherwise required by any applicable law, the formula to be used for such assessments shall be to **equally apportion such costs to each owner as listed in the records of the Board of Assessors directly abutting along and/or adjacent to the road to be paved repaired/improved,** whether or not such owner's property directly faces or is located along the road where the specific location of the repairs undertaken pursuant to this article, on the basis of the total costs of such repairs and borrowings ~~divided by the linear footage along such road from the beginning of such road to the terminus of such road, regardless of cross intersecting streets.~~

(Board of Selectmen)

ARTICLE 56

(Bylaw Amendment: Car Rental Agencies, Registration of)

To see if the Town will vote to amend Chapter 58 (Car Rental Agencies, Registration of) § 58-5 (Violations and penalties) as follows (*NOTE: new language is shown as highlighted text; language to be deleted is shown by strike-out; these methods to denote changes are not meant to become part of the final text*):

§ 58-5. Violations and penalties.

Violations of this chapter shall be punishable by a fine not to exceed ~~\$100~~ **\$300**, each day being considered a separate offense.

(Board of Selectmen)

ARTICLE 57

(Bylaw Amendment: Streets and Sidewalks)

To see if the Town will vote to amend Chapter 127 (Streets and Sidewalks), Article I (Alteration or Excavation of Ways; Safety of Other Travelers), §127-1 (Permit Required; Emergencies) as follows (*NOTE: new language is shown as highlighted text; language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text*):

§127-1. Permit required; emergencies.

- A. No person, except in an emergency as provided in Subsection C below, may contract for, or make any excavation or alteration of any public way, sidewalk or bicycle path without first having received a permit for such alteration or excavation from the Town of Nantucket Department of Public Works and the Board of Selectmen. Said application for a permit shall contain such information as may be required by the Department of Public Works and/or the Board of Selectmen. **No excavation or alteration may be made between November 15 and April 15, except in an emergency as provided in Subsection C.**

(Board of Selectmen)

ARTICLE 58

(Home Rule Petition: Land Bank)

To see if the Town will vote to:

Citizens are requesting an amendment to SECTION 12(m) of the Land Bank Chapter 669 of the Act of 1983, as amended. SECTION 12 so reads "The following transfers of real property interests shall be exempt from the fee established by section ten. Except as otherwise provided, the purchaser shall have the burden of proof that any transfer is exempt hereunder." SECTION 12(m) goes on to read "The first 2 hundred thousand dollars of the purchase price of a transfer made to a purchaser who,..." Citizens would like to change the "2" to a "4", so SECTION 12(m) begins "The first 4 hundred thousand dollars of the purchase price of a transfer made to a purchaser who,..." We believe this reflects more closely the extraordinary real estate market of today, and will ease the difficulty of getting into the Nantucket real estate market for first time Nantucket home buyers. Most "bottom of the market" homes are still above this 4 hundred thousand dollar mark, so these buyers will still be supporting, more affordably, the Land Bank and conservation on Nantucket. It is a struggle to purchase a home on Nantucket, especially for a local working family buying their first home here. The Land Bank Tax burden on FIRST TIME home buyers can be eased with this proposed amendment to the Land Bank Act of 1983. Thank you for your consideration.

(Michael Freedman, et al)

ARTICLE 59

(Home Rule Petition: Sewer System Capital Improvement Fund)

To see if the Town will vote to:

Request its representatives in the General Court to introduce legislation authorizing the Town of Nantucket to ESTABLISH A SEWER SYSTEM CAPITAL IMPROVEMENT FUND IN THE TOWN OF NANTUCKET as set forth below, and to authorize the Board of Selectmen of the Town to make constructive changes in perfecting the language of this legislation in order to secure its passage, it being the intent to authorize the Board of Selectmen and the General Court to vary the specific language of the requested legislation within the scope of the general public objectives of this home rule petition, such legislation to read substantially as follows:

AN ACT ESTABLISHING A SEWER SYSTEM CAPITAL IMPROVEMENT FUND IN THE TOWN OF NANTUCKET.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any general or special law, rule or regulation to the contrary, the Town of Nantucket shall establish a special account to be known as the Town of Nantucket Sewer System Capital Improvement Fund. The purpose of the Fund is to provide the revenue for the increase of capacity of the system to treat wastewater, the upgrading of the method of treatment, the funding of engineering, construction and rehabilitation of sewerage-treatment works, pumping stations, and facilities serving the town of Nantucket, and to provide revenues to do all things necessary to correct, remedy, repair, prevent and prohibit any and all forms of infiltration or inflow from groundwater and other sources of leakage into pipes, facilities and system. The special account shall be maintained by the Treasurer of the Town of Nantucket in a banking institution doing business in the Commonwealth and expenditures from the special account shall be made subject to appropriation and approved by a majority vote of the Town Meeting.

SECTION 2. Payments to such account shall be made by applicants for connection to the sewer system of the Town. The method and amount of such payments from such private sources shall be as determined by a Schedule of Fees to be set by the Sewer Commission. The Schedule shall provide for the method of determining the amount of each payment from such applicants. The Sewer Commissioners may allow modification of fees for demonstrated hardships.

SECTION 3. All sewer-improvement fees collected shall be deposited into the special Fund. Monies deposited into the special Fund shall be used only for the purposes set forth in this act. The Sewer Commissioners may accept grants or gifts for deposit into the Fund. The Treasurer of the Town of Nantucket may invest monies in the special account, and the

income and interest accruing shall inure to the benefit of the special account.

SECTION 4. The sewer-system improvement fees imposed under this act shall be in addition to any other fees permitted by law, including without limitation, sewer-connection fees, betterment fees, privilege fees and user charges.

SECTION 5. Additional appropriation may be made by a two-thirds majority vote of Town Meeting into the special account for the purpose of providing additional funds for the purposes set forth in this act.

SECTION 6. The Sewer Commission for the Town of Nantucket may make applications for available state and federal government grants for the engineering, construction and rehabilitation of wastewater treatment works, pumping station and facilities, and to pledge any and all such sums of money in said account with the approval of the Town Meeting for any such matching grants for engineering, construction and rehabilitation of wastewater treatment works, pumping stations and facilities.

(Dual A. MacIntyre, et al)

ARTICLE 60

(Home Rule Petition: Limitations on Motor Vehicles)

To see if the Town will vote to request its representatives in the General Court to introduce legislation to create and implement limitations on motor vehicle as set forth below and to authorize the General Court with the approval of the Board of Selectmen of the Town to make constructive changes in perfecting the language of the legislation in order to secure passage, such legislation to read substantially as follows:

AN ACT TO REGULATE MOTOR VEHICLES ON NANTUCKET ISLAND

Section 1. The amount of traffic on Nantucket roads is reaching crisis proportions. Nantucket's historic roads cannot adequately accommodate the number of motor vehicles that travel on them. Traffic congestion is threatening the unique ecological and historic qualities of the Island, on which Nantucket's economic well-being depends. It is improbable that traffic congestion can be alleviated without establishing governmental limits on motor vehicles operating on Nantucket.

Section 2. Notwithstanding any provisions of general or special laws to the contrary, the Town of Nantucket is authorized to adopt bylaws creating a motor vehicle permit program requiring permits to operate motor vehicles (including motorcycles and mopeds) on Nantucket and establishing a limit on the number of permits to be issued.

Section 3. The Town is further authorized to issue permits to owners of motor vehicles (including motorcycles and mopeds) lawfully registered on Nantucket as of the date of passage of this legislation; issue additional permits each year by lottery or other equivalent system of allocation; establish a limit on the total number of permits issued, and establish a system by which motor vehicle permits may be transferred.

Section 4. This Act shall take effect upon its passage.

(Board of Selectmen)

COMMENT: The above home rule petition was approved as Article 50 of the 2001 Annual Town Meeting. Home rule petitions currently pending before the legislature, which have not been acted upon by December 31, 2004, will expire. In order to ensure that the petition is renewed, a confirmatory town meeting vote is necessary.

ARTICLE 61

(Home Rule Petition: Community Housing Bank)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act set forth below and to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

AN ACT IMPOSING A TAX ON NEW RESIDENTIAL CONSTRUCTION FOR THE BENEFIT OF COMMUNITY HOUSING

Section 1. Purpose

The Town of Nantucket is in need of additional financial resources to create, make available and maintain housing that is affordable to people who earn less than 150% of the Nantucket County median household income; to maintain Nantucket's diversity and unique sense of community; to encourage moderate-income families to continue to reside on Nantucket; and to generate a supply of housing that will remain affordable.

Section 2. Definitions

"Addition" shall mean an increase in building area, aggregate floor area, height or number of stories of a structure.

"Alteration" shall mean a change or modification of a building or a structure or the service equipment thereof that affects safety or health and is not classified as an ordinary repair.

"Community Housing" shall be defined herein as that housing intended primarily to be occupied by those earning up to 150% of median family income for Nantucket, as determined by the U. S. Department of Housing and Urban Development.

"Dwelling Unit" shall be defined herein as a room or enclosed floor space used, or to be used, as a habitable unit for one (1) family or household, with facilities for sleeping, cooking, and sanitation.

"Employer Dormitory" shall be defined herein as a dwelling on a lot occupied by a legally permitted or nonconforming commercial or nonprofit recreational use, or on an adjoining lot under the same ownership, all located outside the of the NEHOD and DOD Overlay Districts in which sleeping accommodations for five (5) or more persons are provided by one or more employers, with occupancy limited solely to their employees.

"New Construction Tax" shall mean the tax set forth in section 3.

"Total Floor Area" shall be the floor area within the perimeter of the outside walls of the building under consideration, without deductions for hallways, stairs, closets, thickness of walls, columns or other features. It does not include unoccupied accessory areas such as unfinished basements, attics or lofts and does not include porches, decks, unenclosed breezeways and widows walks.

Section 3. New Construction Tax In addition to any local fee that may be imposed by the Town of Nantucket pursuant to chapter 40, section 22F of the general laws or any other applicable statute, the Town of Nantucket is hereby authorized to impose, collect and disburse as set forth below a fee in the nature of a tax on new residential construction (hereinafter referred to as the "New Construction Tax") as follows:

(a) The New Construction Tax shall be imposed on those persons who apply for a residential building permit from the Town of Nantucket, and is to be paid upon issuance of a building permit by the Building Commissioner of the Town of Nantucket. The amount of the tax shall be computed at the rate of \$8.00 per square foot of Total Floor Area of new construction space in excess of 2,500 square feet for each dwelling unit.

(b) The New Construction Tax will be collected at the same time as, and in addition to, the Town's local Building permit fees, by the Town's Building Commissioner to be turned over to the Treasurer of the Town.

(c) Additions/Alterations: There is no fee for Additions or Alterations, unless the Application for Building Permit for the Addition or Alteration is filed within three (3) years of receipt of a Certificate of Occupancy for the Dwelling Unit upon which the Addition or Alteration is proposed. In this instance, square footage of Net Floor Area will be calculated by combining the actual Total Floor Area of the original Dwelling Unit and the amount to be created by the new Addition or Alteration.

Section 4. Exemptions

Employer Dormitories are not subject to the New Construction Tax.

Section 5. The Town of Nantucket, acting by and through its Town Meeting, shall appropriate the receipts of this New Construction Tax only for the purposes of purchasing, acquiring, constructing, operating, maintaining, making ordinary repairs or otherwise making extraordinary repairs to Community Housing within the Town of Nantucket, including engineering, architectural, planning, designing and permitting costs associated therewith, as presented by the Board of Selectmen.

Section 6. The imposition and collection of the New Construction Tax described above shall expire on December 31, 2010.

(Board of Selectmen)

COMMENT: The above home rule petition was approved as Article 78 of the 2003 Annual Town Meeting. Home rule petitions currently pending before the legislature, which have not been acted upon by December 31, 2004, will expire. In order to ensure that the petition is renewed, a confirmatory town meeting vote is necessary.

ARTICLE 62

(Home Rule Petition: Speed Limits on Nantucket)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act as set forth below and to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

"An Act to authorize the Town of Nantucket to regulate the vehicle speeds on the Island of Nantucket

Section 1. Notwithstanding any law, rule or regulation to the contrary the Board of Selectmen of the Town of Nantucket shall be authorized to adopt speed limits applicable to all motor vehicles operating on public highways, streets, and ways within said town, other than state roads, as a public safety measure.

Section 2. This Act shall take effect upon passage."

(Board of Selectmen)

COMMENT: The above home rule petition was approved as Article 79 of the 2003 Annual Town Meeting. Home rule petitions currently pending before the legislature, which have not been acted upon by December 31, 2004, will expire. In order to ensure that the petition is renewed, a confirmatory town meeting vote is necessary.

ARTICLE 63

(Home Rule Petition: Nantucket Housing Authority)

To see if the Town will vote to request its representatives in the General Court to introduce legislation seeking a special act as set forth below and to authorize the General Court with the approval of the Board of Selectmen to make constructive changes in perfecting the language of this proposed legislation in order to secure passage, such legislation to read substantially as follows:

"An Act Relative to the Nantucket Housing Authority"

Section 1. The housing authority of the town of Nantucket is hereby authorized to sell and transfer certain land in said town described in section 2 of this act, for the development and use in perpetuity as housing for low or moderate income households for such consideration as such authority may deem reasonable. The authority shall retain the proceeds from any such sale and transfer for use in administration, monitoring and enforcement of affordable housing restrictions on such property. Restrictions on such sold and transferred property shall be recorded in the registry of deeds, and, notwithstanding the provisions of section 34 of chapter 121B of the general laws the authority need not pay such proceeds to the Commonwealth and the approval of the department of housing and community development shall not be required. For purposes of this paragraph, the housing authority or its designee, shall be in compliance with this statute if at least 25% of the units to be developed on said land are for use in perpetuity by households earning below 80% of the median income for Nantucket County, as defined periodically by the U.S. Department of Housing and Urban Development (HUD), and the remaining 75% of the units will be developed to be affordable to households earning 80% to 150% of the median income for Nantucket, as defined by HUD.

Section 2. The property to which section 1 applies is shown in the aggregate as lots 3, 9 – 17 on a plan of land entitled "Plan of Land in Nantucket Island, Mass." Dated March 14, 1994, drawn by Charles W. Hart & Associates, Inc., recorded in the Nantucket registry of deeds in plan file 44-Y.

Section 3. This act shall take effect upon its passage.

(Board of Selectmen for Nantucket Housing Authority)

COMMENT: The above home rule petition was approved as Article 83 of the 1999 Annual Town Meeting, Article 77 of the 2000 Annual Town Meeting and Article 53 of the 2001 Annual Town Meeting. The wording has been slightly modified since the most recent approval by Town Meeting. Home rule petitions currently pending before the legislature, which have not been acted upon by December 31, 2004, will expire. In order to ensure that the petition is renewed, a confirmatory town meeting vote is necessary.

ARTICLE 64

(Acceptance of MGL c. 41, s. 100G¼: Payment of Funeral Expenses of Firefighters and Police Officers Killed in Performance of Duties)

To see if the Town will vote to accept the provisions of Massachusetts General Law Chapter 41, section 100G¼, a summary of which follows:

Any... town, by a majority vote at an annual or special town meeting, shall pay the reasonable expense, not exceeding five thousand dollars, of the funeral and burial of any firefighter while in the performance of his duty and as a result of an accident while responding to or returning from an alarm or fire or any emergency or as the result of an accident involving a fire department vehicle, which the firefighter is operating or in which he is riding or while at the scene of a fire or any emergency is killed or sustains injuries which result in his death, or of any police officer who while in the performance of his duty and as the result of an assault on his person, or a result of an accident while responding to an emergency while in the performance of his official duty or as result of an accident involving a police department vehicle which he is operating or in which he is riding is killed or sustains injuries which result in his death.

(Board of Selectmen)

ARTICLE 65

(Request for Conveyance of Property)

To see if the Town will vote to convey the real property known as a "way" appearing on plan of land 16514-F to the abutting property owners of Lots 11-22 inclusive, on said plan, total area of said conveyance is approximately 14,881 s.f. +/-.

(Rebecca Zadroga, et al)

ARTICLE 66

(Real Estate Acquisition and Disposition: Round-about at Sparks Avenue/Hooper Farm Road/Pleasant Street)

To see if the Town will vote to authorize the following actions regarding the construction and maintenance of a roundabout at the intersections of Sparks Avenue, Pleasant Street and Hooper Farm Road:

- (1) To dedicate the following two parcels of land owned by the Town of Nantucket to roadway purposes:
Parcel C -- containing approximately 4,469 square feet of land, located at 14A Sparks Avenue and part of a lot shown on Assessor's Map 55 as Parcel 229; and

Parcel E -- containing approximately 3,155 square feet of land, located at 135 Pleasant Street and part of a lot shown on Assessor's Map 55 as Parcel 271; and

- (2) To dispose of the following three parcels of land owned by the Town of Nantucket, in accordance with Chapter 30B of the Massachusetts General Laws, as applicable:
Parcel A -- containing approximately 825 square feet of land, located at 14A Sparks Avenue, which is a portion of the lot described in the Assessor's records as Map 55 as Parcel 229;

Parcel B -- containing approximately 472 square feet of land, located at 14A Sparks Avenue, which is a portion of the lot described in the Assessor's records as Map 55 as Parcel 229;

Parcels A, B, C and E are shown on a plan entitled "Preliminary Right-of-Way Plan", Sheet 8 of 13, by Greenman Peterson, Inc., dated ____2005, on file at the offices of the Board of Selectmen, 16 Broad Street and the NP&EDC, 4 North Water Street.

And, to take any other action as may be appropriate thereto.

(Board of Selectmen)

ARTICLE 67

(Real Estate Disposition: 131 Pleasant Street)

To see if the Town will vote to authorize the Board of Selectmen to declare as surplus and then to convey, sell or otherwise lawfully dispose of all or part of the land and the improvements thereon, presently used as a fire station, commonly known as 131 Pleasant Street, as shown as Lots 1 and 2, on Land Court Plan 35560-B filed with Certificate of Title Number 7,533 at the Nantucket Registry of Deeds; and, to take any other action as may be appropriate thereto.

(Board of Selectmen)

ARTICLE 68

(Real Estate Disposition: Grant of Easement)

To see if the Town will vote to authorize the Board of Selectmen to grant an access and utility easement to the Nantucket Electric Company, its parents or affiliates, for the purpose of installing, operating and maintaining certain electric distribution equipment on, over, through and under land owned by the Town commonly known as 2, 4, 6, and 8 Cow Pond Lane, shown as Lots 1, 2, 3, and 4 on a plan by Nantucket Surveyors, Inc. dated July 22, 2002, and on file at the Nantucket Registry of Deeds as Plan Number 03-52; and to take any other action as may be appropriate thereto. The terms and conditions of said easement shall be as determined by the Board of Selectmen.

(Board of Selectmen)

ARTICLE 69

(Real Estate Disposition: Long-term Lease Authorization)

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a lease, of up to seventy-five (75) years, with the Nantucket Education Trust, Inc. with respect to the Town land and improvements thereon, presently being used to house school employees, commonly known as 2, 4, 6 and 8 Cow Pond Lane; shown as Lots 1, 2, 3, and 4 on a plan by Nantucket Surveyors Inc. dated July 22, 2002 and on file in the Nantucket Registry of Deeds as Plan Number 03-52; and to take such other actions as are appropriate thereto. The terms and conditions of said lease shall be as determined by the Board of Selectmen.

(Board of Selectmen for Nantucket Education Trust, Inc.)

ARTICLE 70

(Real Estate Disposition: Long-term Lease Authorization)

To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into a lease, of up to twenty-five (25) years, with Nantucket Behavioral Health Services with respect to the Town land and improvements thereon commonly known as 47 Boulevard and shown as Lots 12 through 31, Block 164, Surfside, of Plan Book 2, Page 60, recorded at the Nantucket Registry of Deeds; and, to take any other action as may be appropriate thereto. The terms and conditions of said lease shall be as determined by the Board of Selectmen.

(Board of Selectmen for Nantucket Behavioral Health Services)

ARTICLE 71

(Real Estate Disposition: Long-term Lease Authorization)

To see if the Town will vote to authorize the Board of Selectmen to extend the Town's lease with the Nantucket Human Services Center from the present twenty (20) years to fifty (50) years for the Town owned parcel of land at 7 Miacomet Avenue as described on the Assessor's Map 67 for parcel 345 Lots A4 / A5 / A6. At the 1998 Town Meeting, the Town voted to approve the acquisition at 7 Miacomet Road, dedicated the use of the property for non-profit/social service organizations, and authorized the Board of Selectmen to enter into a long term lease(s) with such organization(s). This extension is requested for the purpose of ensuring that our Center will have long term use of this site when it seeks funding from a range of foundations, individuals, or appropriate funding or lending sources.

(John D. Miller , et al)

ARTICLE 72

(Real Estate Acquisition: Airport Commission)

To see if the Town will vote to authorize the Nantucket Airport Commission to acquire by purchase, gift, eminent domain or otherwise, for airport purposes, land located at 6 Daisy Way, containing approximately .46 acre, being a portion of the land identified on Assessor's Map 68, Parcel 241; and, to see if the Town will vote to authorize the Airport Commission to raise and appropriate, borrow (including bonding) pursuant to any applicable statute, apply for or expend federal and/or state grants, or transfer from available funds, a sum of money for such purpose; and, to take any other action as may be appropriate thereto.

(Board of Selectmen for Airport Commission)

ARTICLE 73

(Real Estate Disposition: Transfer of Jurisdiction of Town Property Between Municipal Agencies)

To see if the Town will vote to authorize the Board of Selectmen to transfer the following described land to the care, custody, management and control of the Nantucket Airport Commission: 0 Wilson Street described in the Assessor's records as Parcel 61, Map 79, consisting of 3790 square feet; and, to take any other action as may be appropriate thereto.

(Board of Selectmen for Airport Commission)

ARTICLE 74

(Appropriation: Stabilization Fund)

To see what sums the Town will vote to appropriate, and also to raise, borrow pursuant to any applicable statute, or transfer from available funds, for the purposes of the Stabilization Fund in accordance with Chapter 40, section 5B of the General Laws, from which appropriations may be made by a two-thirds vote of an Annual or Special Town Meeting for any purpose for which a municipality may borrow money or for any other lawful purpose; said sum not to exceed ten percent (10%) of the Fiscal Year 2005 tax levy.

(Board of Selectmen)

ARTICLE 75

(Appropriation: Free Cash)

To see what sum the Town will vote to transfer from Free Cash in the treasury to meet the appropriations for the ensuing Fiscal Year and to authorize the Assessors to use in fixing the tax rate, pass any vote, or take any action relative thereto.

(Board of Selectmen)

To act upon and transact any business relative to the foregoing subjects which may, then and there, come before said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk at the time and place of meeting aforesaid.

Given under our hands this 16th day of February in the year Two Thousand Five.

Timothy M. Soverino, Chairman

Bruce L. Watts

Finn Murphy

Michael A. Glowacki

Douglas L. Bennett

SELECTMEN OF NANTUCKET, MA

Pursuant to Chapter 39, section 10 of the General Laws of the Commonwealth and the Warrant of February 16, 2005, I have notified and warned the inhabitants of the Town of Nantucket qualified to vote in Town affairs to appear at the times and place and for the purposes within mentioned by posting said notification on _____, 2005 at the United States Post Offices at Federal Street and Pleasant Street; the United States Post Office at Main Street, Siasconset; the Town and County Building at 16 Broad Street; and upon the Bulletin Board at the corner of Main and Federal Streets; and publishing said Warrant, a copy of which is attached as it will be published, in *The Inquirer and Mirror* newspaper on February 24, 2005.

Sworn to under pains and penalties of perjury,

Constable

Date